



Federal Communications Commission
Consumer & Governmental Affairs Bureau
Washington, D.C. 20554



July 12, 2019

Rupa Bhattacharya
MuckRock News
DEPT MR 73832
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Somerville, MA 02144

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FOIA No. 2019-448

Dear Ms. Bhattacharya:

This letter responds to your recent Freedom of Information Act (FOIA) request received by the Federal Communications Commission (FCC or Commission) and assigned to the Consumer & Governmental Affairs (CGB) and Enforcement Bureaus (EB). Your request seeks complaints received by the FCC surrounding the 22nd season premiere of the show "Arthur" which aired on May 13, 2019. The episode was titled "Mr. Rathburn and the Special Someone" or any complaints regarding homosexuality or same sex marriage in children's television. Your request has been assigned FOIA Control No. 2019-448. We are responding to your request electronically.

CGB conducted a search of the databases in which we maintain the records of informal complaints filed by, or on behalf of, consumers. Our search identified five (5) documents responsive to your request. EB informed CGB that it did not identify any additional responsive records.

Records responsive to your request were withheld or redacted under FOIA Exemption 6.¹ Exemption 6 protects files containing personally identifiable information disclosure of which would constitute a clearly unwarranted invasion of personal privacy. Balancing the public's right to disclosure against the individual's right to privacy, we have determined that release of this information would constitute a clearly unwarranted invasion of personal privacy. Therefore, all FCC employee names, complainants' names, addresses, and telephone numbers were redacted under Exemption 6.

¹ 5 U.S.C. § 552 (b)(6); see also 47 CFR § 0.457(f).

The FCC receives many complaints and comments that do not involve violations of the Communications Act or any FCC rule or order. Thus, a complaint or comment does not necessarily indicate any wrongdoing by any individuals or entities named in the complaint or comment.

FOIA and FCC rules require the FCC to charge requesters for time spent searching for and reviewing responsive documents, and for copying them. Pursuant to section 0.466(a)(5)-(7) of the Commission's rules, you have been classified for fee purposes as category (2), "educational requesters, non-commercial scientific organizations, or representatives of the news media."² As an "educational requester, non-commercial scientific organization, or representative of the news media," the FCC assesses charges to recover the cost of reproducing the records requested, excluding the cost of reproducing the first 100 pages. Since your request did not involve any duplication, you will not be charged any fees.

If you consider this to be a denial of your FOIA request, you may seek review by filing an application for review with the Office of General Counsel. An application for review must be *received* by the Commission within 90 calendar days of the date of this letter.³ You may file an application for review by mailing the application to Federal Communications Commission, Office of General Counsel, 445 12th St SW, Washington, DC 20554, or you may file your application for review electronically by e-mailing it to FOIA-Appeal@fcc.gov. Please caption the envelope (or subject line, if via e-mail) and the application itself as "Review of Freedom of Information Action" and the application should refer to FOIA No. 2019-448.

If you would like to discuss this response before filing an application for review to attempt to resolve your dispute without going through the appeals process, you may contact the Commission's FOIA Public Liaison for assistance at:

FOIA Public Liaison
Federal Communications Commission, Office of the Managing Director,
Performance Evaluation and Records Management
445 12th St SW, Washington, DC 20554
202-418-0440
FOIA-Public-Liaison@fcc.gov

² 47 CFR § 0.466(a)(5)-(7).

³ 47 CFR §§ 0.461(j), 1.115; 47 CFR § 1.7 (documents are considered filed with the Commission upon their receipt at the location designated by the Commission).

If you are unable to resolve your FOIA dispute through the Commission's FOIA Public Liaison, the Office of Government Information Services (OGIS), the Federal FOIA Ombudsman's Office, offers mediation services to help resolve disputes between FOIA requesters and Federal agencies. The contact information for OGIS is:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road-OGIS
College Park, MD 20740-6001
202-741-5770
877-684-6448
ogis@nara.gov
ogis.archives.gov

Sincerely,

A handwritten signature in blue ink, appearing to read 'Nancy Stevenson', is positioned above the printed name.

Nancy Stevenson
Deputy Chief
Consumer Policy Division
Consumer & Governmental Affairs Bureau

Attachments